Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

Claim 1 (Currently Amended): An apparatus for diagnosis of video device performance in transferring audio visual data over a video network, the apparatus comprising:

a physical network interface operable to receive audio visual data associated with the video device;

a diagnostic tool operable to access the audio visual data as said audio visual data travels over said video network; and

a diagnostic engine interfaced with the diagnostic tool and operable to determine performance statistics by analysis of the audio visual data accessed with the diagnostic tool,

wherein the diagnostic tool is further operable to analyze the audio visual data at a network layer.

Claim 2 (Previously Presented): The apparatus of Claim 1, wherein the performance statistic comprises one of jitter, latency, throughput, packet loss, and lip sync.

Claims 3-6 (Canceled)

Claim 7 (Previously Presented): The apparatus of Claim 1, wherein the diagnostic tool comprises one of a video CODEC, an audio CODEC, and a packet sniffer.

Claim 8 (Canceled)

Claim 9 (Canceled)

Claim 10 (Previously Presented): The apparatus of Claim 1, further comprising a communication agent configured to communicate the performance statistics through a video network.

Claim 11 (Previously Presented): The apparatus of Claim 10 wherein the communication agent comprises an SNMP agent.

Claim 12 (Previously Presented): The apparatus of Claim 10, wherein the communication agent comprises an Internet server.

Claim 13 (Previously Presented): The apparatus of Claim 1, wherein the video network comprises video over Internet Protocol and the diagnostic tool comprises a packet sniffer.

Claim 14 (Currently Amended): A method for diagnosis of video device performance in transferring audio visual data over a video network, the method comprising:

receiving audio visual data associated with the video device at a diagnostic device interfaced with the network;

accessing the audio visual data as said audio visual data travels over said video network with a diagnostic tool; and

determining performance statistics for the video device through analysis of the accessed audio visual data,

<u>wherein the step of accessing includes analyze the audio visual data at a network layer.</u>

Claim 15 (Original): The method of Claim 14 further comprising: reporting the performance statistics from the diagnostic device through the video network.

Claim 16 (Original): The method of Claim 15 wherein reporting comprises sending the performance statistics through an SNMP agent associated with the diagnostic device.

Claim 17 (Original): The method of Claim 15 wherein reporting comprises sending the performance statistics through a Web server associated with the diagnostic device.

Claim 18 (Original): The method of Claim 15 wherein the performance statistic comprise lip sync.

Claim 19 (Original): The method of Claim 15 wherein the performance statistic comprises jitter.

Claim 20 (Original): The method of Claim 15 wherein the performance statistic comprise latency.

Claim 21 (Currently Amended): A method for evaluating the performance of one or more video devices deployed on a video network, the method comprising:

distributing one or more dedicated diagnostic nodes through the video network, each distributed diagnostic node associated with a proximate video device;

receiving compressed audio visual data at the diagnostic node, the audio visual data associated with the video device; and

accessing the audio visual data as said audio visual data travels over said video network with the diagnostic node to determine performance statistics of the associated video device,

wherein the step of accessing includes analyzing the audio visual data at a network layer.

Claim 22 (Original): The method of Claim 21 further comprising:

controlling the diagnostic nodes from a server interfaced with the video network.

Claim 23 (Original): The method of Claim 22 further comprising:

reporting performance statistics to the server from the diagnostic nodes over the video network.

Claim 24 (Original): The method of Claim 23 wherein the server communicates with the diagnostic nodes through an SNMP agent.

Claim 25 (Original): The method of Claim 23 wherein the server communicates with the diagnostic nodes over the video network through an Internet client host relationship.

Claim 26 (Currently Amended): A system for transferring audio visual data over a video network, the system comprising:

a first video device operable to communicate audiovisual data to a second video device through a network, said first video node connected to a diagnostic device that includes

a physical network interface operable to receive audio visual data associated with the first video device;

a diagnostic tool operable to access the audio visual data as said audio visual data travels over said video network; and

a diagnostic engine interfaced with the diagnostic tool and operable to determine performance statistics by analysis of the audio visual data accessed with the diagnostic tool,

wherein the diagnostic tool is further operable to analyze the audio visual data at a network layer.

Claim 27 (Previously Presented): The system of claim 26, further comprising:

the second video device operable to communicate audio visual data to the first video device.

Claim 28 (Previously Presented): The system of claim 26, wherein the performance statistic comprises one of jitter, latency, throughput, packet loss, and lip sync.

Claim 29 (Previously Presented): The system of claim 26, wherein diagnostic device is operable to evaluate audio visual data and to determine performance statistics associated with a predetermined video device.

Claim 30 (Previously Presented): The system of claim 26, wherein the diagnostic device is operable as a one of a passthrough\proxy, and a software module running on a server.

Claim 31 (Previously Presented): The system of Claim 26, wherein the diagnostic tool comprises one of a video CODEC, an audio CODEC, and a packet sniffer.

Claim 32 (Previously Presented): The apparatus of Claim 1, wherein the video network includes at least two video endpoints, and

the audio visual data is part of a current video teleconference.

Claim 33 (New): The apparatus of Claim 1, wherein the performance statistic comprises one of latency, throughput, and lip synch.

Claim 34 (New): The method of Claim 21, wherein the performance statistic comprises one of latency, throughput, and lip synch.

Claim 35 (New): The system of Claim 26, wherein the performance statistic comprises one of latency, throughput, and lip synch.